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Environmental Impact Assessment and Environmental Management System Act¹

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RT I 2005, 15, 87

Entry into force 03.04.2005, in part in accordance with § 71.

Amended by the following acts

Passed	Published	Entry into force
07.12.2006	RT I 2006, 58, 439	01.01.2007
21.02.2007	RT I 2007, 25, 131	01.04.2007
19.06.2008	RT I 2008, 34, 209	01.08.2008
18.12.2008	RT I 2009, 3, 15	01.02.2009
27.01.2010	RT I 2010, 8, 37	27.02.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, will enter into force on the date specified in the decision of the Council of the European Union regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
26.10.2010	RT I, 16.11.2010, 1	26.11.2010
06.12.2011	RT I, 21.12.2011, 1	31.12.2011
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act starting from the wording in force as of 1 July 2014.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides legal grounds and procedure for the assessment of likely environmental impact, organisation of the environmental management and audit scheme and legal grounds for awarding the eco-label in order to prevent environmental damage and establishes liability for violation of the requirements of this Act.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act. Provisions concerning open proceedings apply to environmental impact assessment and strategic environmental assessment procedures, taking account of the specifications provided for in this Act.

(3) The following is excluded from the scope of this Act:
1) a strategic planning document the sole purpose of which is national defence or civil emergency;
2) financial or budget plans, programmes and strategies;
3) a strategic planning document if the activity proposed on the basis thereof are co-financed from the Structural Funds of the European Union or the European Agricultural Guidance and Guarantee Fund between 2004 and 2006.

§ 2. Purpose of environmental impact assessment and strategic environmental assessment

(1) The purpose of environmental impact assessment is to:
1) make, on the basis of the results of environmental impact assessment of the proposed activity, a proposal regarding the choice of the most suitable solution for the proposed activity, which makes it possible to prevent or minimise damage to the state of the environment and to promote sustainable development;
2) provide information to the decision-maker on environmental impact of the proposed activity and its reasonable alternatives, and the possibilities to prevent or minimise negative environmental impact;
3) allow the results of environmental impact assessment to be taken into account in development consent proceedings.

(2) The purpose of strategic environmental assessment is to:
1) contribute to the integration of environmental considerations into the preparation and adoption of strategic planning documents;
2) provide for a high level of protection of the environment;
3) promote sustainable development.

Chapter 2 ENVIRONMENTAL IMPACT ASSESSMENT

Division 1 Environmental Impact Assessment of Proposed Activity

§ 3. Mandatory environmental impact assessment

Environmental impact is assessed:

1) upon applying for development consent or for amending development consent whereby the proposed activity which is the reason for applying for or amending the development consent potentially results in significant environmental impact;
2) if an activity is proposed, which alone or in conjunction with other activities may potentially significantly affect a Natura 2000 site.

§ 4. Environmental impact

For the purposes of this Act, ‘environmental impact’ means any potential direct or indirect impact of an activity on human health and well-being, the environment, cultural heritage or property.

§ 5. Significant environmental impact

Environmental impact is significant if it may potentially exceed the environmental capacity of a site, cause irreversible changes to the environment, endanger human health and well-being, the environment, cultural heritage or property.

§ 6. Activities with significant environmental impact

(1) An activity with significant environmental impact is:
1) oil processing, except the manufacture of only lubricants from oil;
2) gasification and liquefaction of coal or bituminous shale, if the amount of raw material used per day is 500 tons or more;
3) construction of a thermal power station or other combustion plant with a nominal thermal input equal to or greater than 300 MWth;
4) construction, dismantling or decommissioning of a nuclear power station or other nuclear reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load;
5) installation of wind farms in water bodies;
6) production or enrichment of nuclear fuel, processing of irradiated nuclear fuels or handling of irradiated nuclear fuels or radioactive waste;
7) construction of installations for temporary storage or final disposal of irradiated nuclear fuels or radioactive waste;
8) initial smelting of pig iron or steel;
9) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical or chemical or electrolytic processes;

10) production of asbestos and processing or transformation of asbestos or products containing asbestos: for asbestos-cement, with annual production of more than 20 000 tons of finished products per year, for friction material, with annual production of more than 50 tons of finished products per year, and for other uses of asbestos, with annual production of more than 200 tons of finished products per year;

11) manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are for the production of basic organic chemicals, basic inorganic chemicals, phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers), plant protection products and biocidal products, basic pharmaceutical products using a chemical or biological process, or explosives;

12) manufacture of paper or board with a production capacity of at least 200 tons per one twenty four hour period, or production of pulp from timber or similar fibrous materials;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

13) construction of express roads, construction of lines for airports with a basic runway length of 2100 m or more and construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be over 10 kilometres in a continuous length;

14) construction of a new line for long-distance railway traffic or construction of a new railway station, if, in the case of a single-track railway line, there are at least four depot sidings and, in the case of a double-track railway line, there are at least five depot sidings, or extension of an existent railway station if, as a result of the extension, there are at least four depot sidings in the case of a single-track railway line and at least five depot sidings in the case of a double-track railway line, or extension of the tracks of the existent railway station to the length of 1000 meters or more if, in the case of a single-track railway line, there are at least four depot sidings and, in the case of a double-track railway line, there are at least five depot sidings in the railway station;

15) construction of inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1350 tons;

16) construction of trading ports, piers for loading and unloading connected to land and outside ports which can take vessels of over 1350 tons;

17) marine dredging and the dredging of Lake Peipus, Lake Lämmijärv and Lake Pskov, starting from the soil volume of 10 000 cubic metres, sinking of solid substances into the seabed and into Lake Peipus, Lake Lämmijärv and Lake Pskov, starting from the soil volume of 10 000 cubic metres, and dredging of another water body, starting from the soil volume of 500 cubic metres, or sinking of solid substances into another water body, starting from the substance mass of 500 cubic metres;

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

18) groundwater abstraction where the annual volume of water abstracted is at least 10 million cubic metres;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

19) construction of works for the transfer of water resources where the average amount of water transferred exceeds 100 million cubic metres per year, or where the average flow of the basin of abstraction exceeds 2000 million cubic metres per year and where the amount of water transferred through such works exceeds five per cent of the average annual flow of the basin of abstraction;

20) waste water treatment plants with a capacity exceeding 150 000 population equivalent;

21) installation or reconstruction of hydro-electric stations, barrages, dams or reservoirs in a sensitive receiving water body;

22) incineration, chemical treatment or landfill of hazardous waste;

23) incineration or chemical treatment of more than 100 tons of non-hazardous waste per day, or construction of non-hazardous waste landfills with a capacity of more than 25 000 tons of waste;

24) closure of a landfill with an area of at least 1.5 hectares;

25) construction of a pipeline for the transport of natural gas, petroleum or chemical products or other liquids, with a diameter of more than 800 mm and a length of more than 40 km;

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

25¹) construction of a pipeline with a diameter of more than 800 mm and a length of more than 40 km as well as related pumping stations for the transport of geologically stored carbon dioxide;

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

26) extraction of more than 500 tons of oil or more than 500 000 cubic metres of natural gas from the seabed or land per day;

27) construction of installations for the intensive rearing of poultry, pigs or bovine animals with more than 85 000 places for broilers, 60 000 places for hens, 3000 places for fattening pigs (over 30 kg), 900 places for sows, 450 places for dairy cows, 600 places for beef animals or 900 places for young bovine animals of up to 24 months of age;

28) open-cast mining where the surface of the site exceeds 25 hectares, underground mining or mechanised peat extraction;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

29) termination of open-cast mining where the surface of the site exceeds 25 hectares, underground mining or mechanised peat extraction;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

30) construction of an overhead electrical power line with a voltage of 220 kV or more and a length of more than 15 km;

31) conversion of forest land or wetland with a total area of more than 100 hectares, e.g. by draining or deforestation;

32) construction of a petroleum product terminal with a total capacity of more than 100 000 cubic metres;
33) construction of a chemical product terminal with a total capacity of more than 5000 cubic metres of category D or C chemicals, more than 500 cubic metres of category B chemicals, or more than 50 cubic metres of category A chemicals;
34) an activity for which the obligation to carry out environmental impact assessment arises from a strategic planning document which is the basis for the activity;

34¹) construction of buildings for collecting carbon dioxide generated by the activities, installations or buildings specified in clauses 1) to 34) of this subsection for the purpose of storing it geologically or if the annual volume of carbon dioxide collected for the purpose of geological storage is at least 1.5 megatons per installation;

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

35) changes in an activity specified in clauses 1)-34¹) of this subsection and subsection (2) of this section or to an installation, or expansion or reconstruction of a building if this is in compliance with the provisions of this subsection or if the activity or installation, as a result of the changes, or the building, as a result of expansion or reconstruction, is in compliance with the provisions of this subsection as a whole.

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

(2) If the proposed activity is not included among the activities specified in subsection (1), the decision-maker will make a preliminary estimate as to whether the activities of the following areas have significant environmental impact:

[RT I 2008, 34, 209 – entry into force 01.08.2008]

1) agriculture, silviculture, aquaculture and land improvement;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

2) mining of mineral resources or enrichment of ore, geological explorations, general geological surveys or termination of mining of mineral resources;

3) energy industry;

4) production, processing and storage of metals, including storage of end-of-life vehicles;

5) processing of mineral materials;

6) chemical industry;

7) food industry;

8) cellulose, paper, timber or textile industry, or tanning of skins or hides;

9) rubber industry;

10) construction or use of infrastructure;

11) waste management;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

12) tourism;

13) surface treatment or finishing by using organic solvents;

14) production of plywood or fibreboard;

15) production of graphite (hard-burnt coal) or electrographite by way of incineration or graphitisation;

16) storage of hazardous chemicals, including fuel;

17) disposal and recovery of animal carcasses or animal waste;

18) special use of water;

19) construction of recreation areas, sports areas or leisure areas;

20) ceramics or glass industry;

21) handling of waste water and sediments;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

22) another activity which may result in significant environmental impact.

(3) The decision-maker will make a preliminary estimate specified in subsection (2) of this section on the basis of all the following criteria:

[RT I 2008, 34, 209 – entry into force 01.08.2008]

1) the environmental conditions of the site of the activity and its vicinity, e.g. the existing land use, the natural resources present in the site, the characteristics and regeneration capability of such resources and the absorption capacity of the natural environment. Assessment of the absorption capacity of the natural environment must, above all, be based on the absorption capacity of wetlands, shores, banks of water-bodies, relieves, forests, protected natural objects, including Natura 2000 sites, sites where the requirements established by legislation are already exceeded, densely populated areas within the meaning of the Land Reform Act and sites of historical, cultural or archaeological value;

[RT I 2007, 25, 131 – entry into force 01.04.2007]

2) the nature of the activity, including its technological level, use of natural resources, waste and energy intensity, and other activities in the vicinity;

3) the consequences associated with the activity, e.g. water, soil or air pollution, waste generation, noise, vibration, light, heat, radiation and smell;

4) the possibility that emergency situations arise from the activity;

4¹) the presumed impact of the proposed activity on a Natura 2000 site or any other protected natural object;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

5) the magnitude, spatial extent, duration, frequency and reversibility, effect and cumulativeness of the impact resulting from that specified in clauses 1) to 4¹) of this subsection and the transboundary impact and the probability of the impact.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(4) A detailed list of areas of activity specified in subsection (2) of this section will be established by a regulation of the Government of the Republic.

§ 7. Development consent

For the purposes of this Act, 'development consent' means:

- 1) a building permit or a permit of use of a building;
- 2) an integrated environmental permit, a water permit, an ambient air pollution permit, a waste permit, a hazardous waste handling licence, a radiation practice licence or a superficies licence;
[RT I 2010, 8, 37 – entry into force 27.02.2010]
- 3) an extraction permit for mineral resources, a geological exploration permit or a permit for general geological survey;
- 4) other documents not specified in this section permitting the proposed activity with potentially significant environmental impact.

§ 8. Developer

(1) A person who proposes an activity and intends to carry it out will organise environmental impact assessment (hereinafter *developer*).

(2) The developer covers the expenses related to environmental impact assessment.

§ 9. Decision-maker

The decision-maker is the issuer of development consent.

§ 10. Supervisor of environmental impact assessment

(1) If the Government of the Republic or the Ministry of the Environment is the issuer of development consent or if the significant environmental impact expected to arise from an activity may be transboundary, the Ministry of the Environment will act as the supervisor of environmental impact assessment.
[RT I 2010, 8, 37 – entry into force 27.02.2010]

(2) In the events not specified in subsection (1) of this section the Environmental Board acts as the supervisor of environmental impact assessment.
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(3) The functions of the supervisor of environmental impact assessment are:

- 1) where necessary, to verify the lawfulness of a decision to initiate or refuse to initiate the environmental impact assessment of a proposed activity;
- 2) to verify the compliance of the environmental impact assessment programme with the requirements provided for in § 13 of this Act and make a decision regarding approval of the environmental impact assessment programme;
- 3) to inform the public of approval of the environmental impact assessment programme;
- 4) to check whether an expert holds a licence for environmental impact assessment;
- 5) to verify the compliance of proceedings regarding the environmental impact assessment with the requirements of legislation;
- 6) to verify the compliance of the environmental impact assessment report with the approved environmental impact assessment programme and the requirements provided for in § 20 of this Act, make a decision on approval of the report and determination of environmental requirements;
- 7) to inform the public of approval of the environmental impact assessment report and of determination of environmental requirements;
- 8) to ex-post evaluate the environmental impact assessment.

(4) The supervisor of environmental impact assessment who approved the environmental impact assessment programme performs the duties of the supervisor until the end of the ex-post evaluation.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

§ 11. Initiation of and refusal to initiate environmental impact assessment

(1) The developer will submit to the decision-maker an application for development consent in the events and in accordance with the procedure provided for in legislation.

(2) The decision-maker will review an application and make a decision to initiate or refuse to initiate environmental impact assessment of the proposed activity within the period for the processing of applications provided for in legislation.

(3) In the event of an activity specified in subsection 6 (1) of this Act, environmental impact assessment of the proposed activity will be initiated without providing the reasons therefor.

(4) If a decision to initiate or refuse to initiate environmental impact assessment of the proposed activity is made on the basis of subsection 6 (2) of this Act, the results of the preliminary estimate concerning all the criteria listed in subsection 6 (3) of this Act will be appended to the decision.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

(5) [Repealed – RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(6) If the planned activity potentially results in significant environmental impact, the decision-maker will not initiate the environmental impact assessment of the planned activity if the environmental impact has already been assessed in the course of strategic environmental assessment related to the implementation of a strategic planning document serving as the basis for the assessed activity, in the course of preparation of building design documentation or in the course of processing other development consent required for the planned activity, provided that the decision-maker has sufficient information for granting the development consent and, according to the decision-maker, the environmental impact of the activity has already been adequately assessed.
[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(6¹) An administrative authority may refuse to initiate environmental impact assessment if an application for development consent is clearly without perspective and the administrative authority refuses to satisfy the application without conducting open proceedings on the basis of subsection 46 (3) of the Administrative Procedure Act.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

(7) If an application for two or more development consents required for the proposed activity is submitted to one decision-maker, the decision-maker may join the proceedings regarding environmental impact assessment of the proposed activity with the consent of the developer, unless this violates the rights of third parties.

(7¹) Only one environmental impact assessment is initiated in the proceedings of an application for the same development consent.
[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(8) A decision to initiate or refuse to initiate environmental impact assessment of the proposed activity must set out:

- 1) the name and details of the decision-maker;
- 2) the name and purpose of the proposed activity;
- 3) the reasons for initiation of or refusal to initiate environmental impact assessment of the proposed activity;
- 4) upon initiation of environmental impact assessment in a transboundary context, information on initiation of environmental impact assessment in a transboundary context;
- 5) information on joining proceedings regarding environmental impact assessment of the proposed activity;
- 6) information on the necessary environmental research.

(9) The decision-maker may submit a decision to refuse initiation of environmental impact assessment of the proposed activity as one part of the decision to refuse to grant development consent.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

(10) If the proposed activity may potentially affect Natura 2000 sites, protected areas, special conservation areas, species protection sites, habitats of protected species or individual protected natural objects, the decision-maker will obtain approval for the draft decision to refuse initiation of environmental impact assessment of the proposed activity with the manager of the specified protected natural object.

(11) If environmental impact assessment of the proposed activity is initiated, the processing of an application for development consent will be suspended until the environmental impact assessment report is approved.

(12) Before the submission of an application for development consent, the developer may address the decision-maker to obtain an opinion concerning the type of information the developer will be asked to present in the course of the environmental impact assessment. Before providing an opinion, the agency whom the developer addressed must consult with the developer, the supervisor of environmental impact assessment and the agencies that, due to their functions related to the protection and use of the environment, are likely to be connected with the proposed activity at a later time. Provision of an opinion does not prevent the supervisor of environmental impact assessment from demanding further additional information in the course of the environmental impact assessment.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

§ 12. Notification of initiation and refusal to initiate environmental impact assessment

(1) The decision-maker will:

- 1) notify participants in proceedings of initiation of environmental impact assessment of the proposed activity by sending an unregistered letter or a registered letter and at the expense of the developer in the official publication *Ametlikud Teadaanded* within 14 days after the decision to initiate environmental impact assessment is made;

- 2) give notice of refusal to initiate environmental impact assessment of the proposed activity at the expense of the developer together with the publication of the grant of or refusal to grant development consent;
- 3) notify participants in proceedings of refusal to initiate environmental impact assessment of the proposed activity by sending an unregistered letter or a registered letter and at the expense of the developer in the official publication *Ametlikud Teadaanded* within 14 days after the decision to refuse initiation of environmental impact assessment is made if the grant of or refusal to grant development consent is not publicly announced.

(2) Upon granting a building permit or a permit of use of a building, a notice of refusal to initiate environmental impact assessment will be given through the national register of construction works.

(3) A notice of initiation of or refusal to initiate environmental impact assessment of the proposed activity must set out at least:

- 1) the name of the decision-maker and the name and details of the contact person of the decision-maker;
- 2) a brief description and purpose of the proposed activity;
- 3) information on initiation of or refusal to initiate environmental impact assessment of the proposed activity;
- 4) information on the basis of clauses 11 (8) 4) to 6) of this Act;
- 5) the time and place for accessing the decision to initiate or refuse to initiate environmental impact assessment of the proposed activity.

§ 13. Environmental impact assessment programme

After making a decision to initiate environmental impact assessment of the proposed activity, an expert or, under the supervision of the expert and together with the developer, an expert group will prepare an environmental impact assessment programme which sets out:

- 1) the purpose of the proposed activity;
- 2) a brief description of the proposed activity and reasonable alternatives therefor;
- 3) information on the content of environmental impact assessment of the proposed activity and reasonable alternatives therefor, including information on the potential sources of impact, the size of the impact area and the affected environmental elements of the proposed activity and reasonable alternatives therefor;
- 4) a description of the methods of assessment used upon environmental impact assessment;
- 5) a schedule of environmental impact assessment of the proposed activity and reasonable alternatives therefor and the schedule for the publication of the results of the assessment;
- 6) information on the developer and the name of the expert or the composition of the expert group.

§ 14. Expert

(1) Environmental impact will be assessed or environmental impact assessment will be directed by a natural person who holds a licence for environmental impact assessment, or a legal person through an employee holding a relevant licence (hereinafter *expert*).

(2) If environmental impact is assessed or environmental impact assessment is directed by a legal person through an employee holding a relevant licence, the legal person will be responsible for compliance with the requirements for environmental impact assessment and the results of environmental impact assessment.

(3) An expert has the right to form an expert group for environmental impact assessment which may comprise competent persons without a relevant licence.

(4) An expert must involve specialists in environmental impact assessment if the qualifications of the expert are not sufficient for environmental impact assessment.

(5) An expert must be impartial and independent upon environmental impact assessment of the proposed activity.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

§ 15. Licence for environmental impact assessment

(1) The minister responsible for the field will grant a licence for environmental impact assessment (hereinafter *licence*) to a natural person who:

- 1) has acquired officially recognised higher education or a foreign qualification equal thereto according to a curriculum in the field of environmental protection, life sciences, physical natural science, agriculture, forestry, fisheries, health, technical field or construction;
- 2) has at least two years of professional experience in fields related to natural science or environmental protection;
- 3) has undergone training in environmental impact assessment to the extent of at least 40 hours and has passed a corresponding examination;
- 4) has participated in the work of an expert group at least four times within the last five years;
- 5) has paid the state fee.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(2) To obtain a licence, an applicant for the licence must submit the following to the minister responsible for the field:

- 1) an application for the licence;
- 2) documents certifying education;
- 3) documents certifying prior work experience;
- 4) a confirmation that training related to environmental impact assessment has been completed and an examination in environmental impact assessment has been passed and a confirmation regarding participation in the work of an expert group.

(3) An application for a licence must set out:

- 1) the given name, surname, personal identification code, address of permanent residence and contact details of the applicant;
- 2) the place of employment and the address and contact details of the place of employment;
- 3) information on the qualifications specified in clauses 1) to 4) of subsection (1) of this section;
- 4) the fields of activity and areas of impact the environmental impact of which the applicant wishes to assess;
- 5) a signature of the applicant proving that information provided in the application is correct;
- 6) the date.

(4) The minister responsible for the field will grant a licence to the applicant for five years and determine the fields of activity and areas of impact which the holder of the licence may assess based on the information set out in the application and based on the qualifications of the applicant. The period of validity of the licence begins on the date of granting the licence.

(5) Before application for the licence or application for the extension of the licence, an applicant for the licence must pay the state fee in the amount provided by the State Fees Act.

[RT I 2006, 58, 439 – entry into force 01.01.2007]

(6) A licence must set out:

- 1) the name of the document – “*Keskkonnamõju hindamise litsents*” [Licence for Environmental Impact Assessment];
- 2) the registration number, date of issue and period of validity of the licence;
- 3) the given name, surname, personal identification code, address of permanent residence and details of the holder of the licence;
- 4) the fields of activity and areas of impact which the holder of the licence has the right to assess;
- 5) the name and signature of the issuer of the licence;
- 6) the seal of the Ministry of the Environment bearing the small national coat of arms.

(7) The granting of a licence will be refused if the applicant does not comply with the qualification requirements specified in clauses 1)-4) of subsection (1) of this section or has failed to pay the state fee.

(8) In order to extend the validity of a licence, a person must submit a written application in a free form. The validity of a licence will be extended if the applicant has participated in environmental impact assessment as an expert at least four times during the term of the licence.

(9) The minister responsible for the field may suspend the validity of a licence or revoke a licence, giving prior written notice thereof to the holder of the licence if:

- 1) the applicant has submitted inaccurate information;
- 2) the holder of the licence fails to comply with the requirements for environmental impact assessment;
- 3) the holder of the licence has submitted false information in the environmental impact assessment report;
- 4) the holder of the licence has provided incorrect assessment in the environmental impact assessment report, and also if the results of the ex-post evaluation of environmental impact assessment significantly differ from the assessment provided in the environmental impact assessment report.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(10) Before making a decision concerning the suspension or revocation of a licence, the holder of the licence or a representative of the holder will be heard. The holder of the licence or the representative of the holder will be notified of the time and place determined therefor at least seven days in advance. If the holder of the licence or the representative of the holder fails to appear, the decision may be made by default.

(11) If the validity of a licence is suspended, the person must undergo in-service training in environmental impact assessment to the extent of at least 40 hours and pass a corresponding examination. The person may continue the activity on the basis of the licence if the minister responsible for the field has revoked their decision to suspend the validity of the licence. The minister responsible for the field will revoke their decision to suspend the validity of the licence if the person has undergone in-service training in environmental impact assessment to the extent of at least 40 hours, passed a corresponding examination and presented a document which proves this.

(12) If a person has failed to undergo in-service training in environmental impact assessment or to pass a corresponding examination during the period when the validity of the licence is suspended or if the circumstances which served as the basis for suspension of the validity of the licence appear within three years after the revocation of the decision to suspend the validity of the licence or for the third time, the minister responsible for the field will revoke the licence.

(13) Upon revocation of a licence, the minister responsible for the field will designate a term for termination of the activity permitted by the licence.

(14) The licence form and the application form will be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, based on subsection 107³ (4) of the Government of the Republic Act the words ‘Minister of the Environment’ have been replaced with the words ‘minister responsible for the field’ starting from the wording in force as of 1 July 2014.]

§ 16. Publication of environmental impact assessment programme

(1) The decision-maker will organise a public display of an environmental impact assessment programme with the duration of not less than 14 days. Thereafter the developer will organise a public consultation in order to inform the public of the programme.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(2) The decision-maker will give notice of the public display of and public consultation regarding an environmental impact assessment programme at the expense of the developer within 14 days after the receipt of the programme at least:

- 1) in the official publication *Ametlikud Teadaanded*;
- 2) in one national newspaper or one local or county newspaper.
- 3) in at least one public building or place of the location of the proposed activity (e.g. shop, library, school, bus stop).

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(3) The decision-maker will give notice of the public display of and public consultation regarding an environmental impact assessment programme within 14 days after the receipt of the programme by sending an unregistered letter or a registered letter to:

- 1) the county governments and local authorities into the territory of which environmental impact of the proposed activity may extend;
- 2) the supervisor of environmental impact assessment;
- 3) the Environmental Inspectorate;
- 4) the manager of the protected natural object which is potentially significantly affected by the proposed activity;
- 5) non-governmental environmental organisations through organisations uniting them;
- 6) the owner of the area of the proposed activity and the neighbouring immovables;
- 7) other parties to the proceedings.

(4) A notice regarding the publication of an environmental impact assessment programme must set out at least the following:

- 1) the names of the developer and decision-maker and the names and contact details of their contact persons;
- 2) a brief description and purpose of the proposed activity;
- 3) the time and place for accessing the programme and other relevant documents;
- 4) the time and manner for the submission of proposals, objections and questions regarding the programme;
- 5) the time and place for the public consultation regarding the programme.

(5) Everyone has the right to access an environmental impact assessment programme and other relevant documents at the time of the public display of and the public consultation regarding the programme, submit proposals, objections and questions regarding the programme and obtain responses thereto.

(6) The decision-maker will publish an environmental impact assessment programme, inter alia, on its webpage and ensure to the public the possibility to examine the programme at least until the end of the term for submission of proposals, objections and questions.

§ 17. Taking account of results of public display of and public consultation regarding environmental impact assessment programme

(1) An agency to whom, during the public display of an environmental impact assessment programme, proposals, objections and questions were submitted regarding the programme will forward the specified proposals, objections and questions to the developer.

(2) An expert or, under the supervision of the expert, an expert group will, together with the developer, make, on the basis of the proposals and objections submitted regarding the programme, the necessary amendments to the programme made during the public display of the environmental impact assessment programme, explain why proposals and objections are taken account of and state the reasons why they are not taken account of and respond to the questions.

(3) The developer will send to a person who submitted proposals, objections and questions regarding an environmental impact assessment programme an explanation why the submitted proposals and objections are taken account of and state the reasons why they are not taken account of and respond to the questions by sending an unregistered letter or a registered letter.

§ 18. Approval of and refusal to approve environmental impact assessment programme

(1) The developer will submit an environmental impact assessment programme together with the proposals, objections and questions submitted regarding the programme, copies of letters specified in subsection 17 (3) of this Act and report of the public consultation after the public consultation regarding the programme to the supervisor of environmental impact assessment for approval.

(2) The supervisor of environmental impact assessment will decide to approve or refuse approval of an environmental impact assessment programme within 30 days after receipt of the documents specified in subsection (1) of this section and will inform the developer and the decision-maker thereof.

(3) The supervisor of environmental impact assessment will refuse to approve a programme if:

- 1) established requirements are violated upon publication of the programme and the violation may affect the results of environmental impact assessment;
- 2) the programme does not comply with the requirements provided for in § 13 of this Act;
- 3) the developer fails to submit the documents specified in subsection (1) of this section;
- 4) refusal to take account of proposals and objections submitted regarding the programme is not sufficiently reasoned and questions have not received a thorough response;
- 5) the programme is not appropriate and sufficient to assess environmental impact of the proposed activity.

(4) If an environmental impact assessment programme is not approved:

- 1) the programme must be published again in accordance with the procedure provided for in §§ 16 and 17 of this Act;
- 2) the documents specified in subsection (1) of this section must be submitted to the supervisor of environmental impact assessment;
- 3) supplementary responses must be given to the proposals, objections and questions submitted regarding the programme if responses to them were not considered sufficient by the supervisor of environmental impact assessment;
- 4) the programme must be corrected or modified.

(5) The developer will submit an environmental impact assessment programme to the supervisor of environmental impact assessment for approval after the supplementary publication or amendment of the programme or after supplementary responses have been sent to the person who submitted proposals, objections or questions regarding the programme.

(6) With the consent of the supervisor of environmental impact assessment, reasoned amendments may be made to an approved environmental impact assessment programme. The provisions concerning open proceedings do not apply to the amendment of an approved programme.

(7) If the developer fails to submit an environmental impact assessment report to the decision-maker for a public display within two years after approval of the environmental impact assessment programme, the programme will expire and a new programme must be prepared in order to assess the environmental impact.

§ 19. Notification of approval of environmental impact assessment programme

(1) The supervisor of environmental impact assessment will notify the parties to proceedings of approval of an environmental impact assessment programme by sending an unregistered letter or a registered letter and at the expense of the developer in the official publication *Ametlikud Teadaanded* within 14 days after the decision to approve the programme is made.

(2) A notice regarding the approval of an environmental impact assessment programme must set out at least the following:

- 1) the name and details of the supervisor of environmental impact assessment;
- 2) a brief description and the purpose of the proposed activity;
- 3) the time and place for accessing the environmental impact assessment programme and a decision to approve it.

§ 20. Environmental impact assessment report

(1) An expert or, under the supervision of the expert, an expert group will prepare, on the basis of the approved environmental impact assessment programme, the environmental impact assessment report in which the expert or expert group:

- 1) describes the purpose of and the need for the proposed activity;
- 2) sets out a description of the proposed activity and reasonable alternatives therefor;
- 3) sets out a description of the environment potentially affected by the proposed activity and reasonable alternatives therefor and assesses the state of the environment of the region;

4) evaluates the potential consequences associated with the proposed activity and reasonable alternatives therefor, e.g. water, soil or air pollution, waste generation, noise, vibration, light, heat, radiation and smell;

5) sets out a description of the methods to predict potential environmental impact of the proposed activity and reasonable alternatives therefor;

6) analyses the potential environmental impact of the proposed activity and reasonable alternatives therefor, including the indirect impact and combined impact with other types of activity to the state of the environment, including impact to the health, well-being and property of persons, to plants, animals, soil, landscape, mineral resources, quality of air and water, climate, to protected natural objects, including Natura 2000 sites, their purposes of protection and integrity, and to cultural heritage, and the interaction of the factors specified in this subsection;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

7) assesses the potential effect of environmental impact and describes the measures to prevent or minimise the negative environmental impact involved and assesses the likely efficacy of the measures;

7¹) present, if necessary, an overview of the actual compensatory measures within the meaning of § 70¹ of the Nature Conservation Act to compensate for the potential damage caused by the significant environmental impact potentially resulting from the proposed activity, and an assessment of the efficiency and the necessary volume of application of the measures;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

7²) on the basis of the results of environmental impact assessment of the proposed activity and reasonable alternatives therefor makes a reasoned proposal for the establishment of the conditions of environmental monitoring;

[RT I 2008, 34, 209 – entry into force 01.08.2008]

8) assesses the purposefulness of the use of natural resources and the compliance of the proposed activity and reasonable alternatives therefor with the principles of sustainable development;

9) compares the proposed activity with different reasonable alternatives and prepares a ranking list on the basis of environmental impact and benefits of the proposed activity and reasonable alternatives therefor;

10) sets out an overview of the results of consultations upon assessment of environmental impact, involvement of the public and assessment of environmental impact in transboundary context;

11) discusses, if necessary, the difficulties which became evident upon environmental impact assessment and preparation of the report;

12) submits a summary of information specified in clauses 1) to 11) of this subsection;

13) submits information on sources used upon environmental impact assessment;

14) discusses the proposals, objections and questions submitted regarding the report the copies of which are appended to the report and submits copies of the letters sent to person who submitted the proposals, objections and questions, which explain why the proposals and objections submitted regarding the report are taken account of and state the reasons why they are not taken account of and respond to the questions;

15) discusses minutes of the public consultation regarding the report and appends the copy of the minutes to the report;

16) discusses the sketch maps and maps of the area of the proposed activities and reasonable alternatives therefor and appends the sketch maps and maps to the report;

17) discusses other appendices, if necessary.

(2) If necessary, detailed requirements for an environmental impact assessment report may be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, based on subsection 107³ (4) of the Government of the Republic Act the words ‘Minister of the Environment’ have been replaced with the words ‘minister responsible for the field’ starting from the wording in force as of 1 July 2014.]

(3) Upon assessment of environmental impact, the recognised knowledge of environmental impact assessment and methods of assessment must be taken account of.

§ 21. Publication of environmental impact assessment report and taking account of results of publication of report

An environmental impact assessment report is published and the results of publication are taken into account in accordance with the procedure provided for in §§ 16 and 17 of this Act.

§ 22. Approval of environmental impact assessment report, determination of environmental requirements and refusal to approve report

(1) The developer will submit an environmental impact assessment report in two original copies to the supervisor of environmental impact assessment for approval and determination of environmental requirements after the public consultation regarding the report.

(2) The supervisor of environmental impact assessment will inform the developer and the decision-maker of a decision to approve the environmental impact assessment report and determination of environmental

requirements or refusal to approve the report and, upon approval of the report, will forward one original copy of the report within 30 days as of the receipt of the report to the decision-maker.

(3) The supervisor of environmental impact assessment will not approve an environmental impact assessment report or determine environmental requirements if:

- 1) established requirements are violated upon publication of the report and the violation may affect the results of environmental impact assessment;
- 2) the report does not comply with the requirements provided for in clauses 13 1) to 4) and 6) of this Act;
- 3) the report does not comply with the requirements provided for in § 20 of this Act or legislation established on the basis thereof;
- 4) false information has been submitted in the report;
- 5) the report is not appropriate or sufficient for granting development consent;
- 6) refusal to take account of proposals and objections submitted regarding the report is not sufficiently reasoned.

(4) The procedure for inspection of the quality of environmental impact assessment report and the proceedings regarding environmental impact assessment will be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, based on subsection 107³ (4) of the Government of the Republic Act the words ‘Minister of the Environment’ have been replaced with the words ‘minister responsible for the field’ starting from the wording in force as of 1 July 2014.]

(5) If an environmental impact assessment report is not approved:

- 1) one original copy of the environmental impact assessment report must be returned to the developer;
- 2) the report must be published again in accordance with the procedure provided for in §§ 16 and 17 of this Act;
- 3) supplementary responses must be given to the proposals, objections and questions submitted regarding the report if responses to them were not considered sufficient by the supervisor of environmental impact assessment;
- 4) the report must be corrected or modified.

(6) The developer will submit an environmental impact assessment report to the supervisor of environmental impact assessment for approval after the supplementary publication or amendment of the report or after supplementary responses are sent to the person who submitted proposals, objections or questions regarding the report.

(7) Environmental requirements are measures the purpose of determination of which is to prevent or minimise the potential negative environmental impact arising from the proposed activities.

(8) Upon determination of environmental requirements, the following must be taken account of:

- 1) the requirements arising from a law or legislation established on the basis of a law;
- 2) the state of the environment likely to be affected by the proposed activity;
- 3) the results of the environmental research conducted;
- 4) the results of environmental impact assessment;
- 5) other important circumstances.

(9) The supervisor of environmental impact assessment will preserve the approved environmental impact assessment report for at least five years after receipt of the report.

§ 23. Notification of approval of environmental impact assessment report and of determination of environmental requirements

The supervisor of environmental impact assessment will give notice of the approval of an environmental impact assessment report and of the determination of environmental requirements in accordance with the procedure provided for in § 19 of this Act.

§ 24. Grant of development consent and refusal to grant development consent

(1) Upon making a decision to grant or refuse to grant development consent, the decision-maker will take account of the results of environmental impact assessment and the environmental requirements appended to the report.

(2) If, upon making a decision to grant or refuse to grant development consent, the decision-maker fails to take account of the results of environmental impact assessment and the environmental requirements appended to the report, the decision-maker must state the reasons in the decision to grant or refuse to grant the development consent.

(3) Development consent will not be issued if the developer is not able to comply with the determined environmental requirements.

§ 25. Ex-post evaluation of environmental impact assessment

(1) The supervisor of environmental impact assessment will carry out the ex-post evaluation of environmental impact assessment on the basis of the results of environmental monitoring.

(2) The decision-maker is required to forward the results of environmental monitoring within 30 days after receipt of the results to the supervisor of environmental impact assessment for ex-post evaluation.

(3) If it becomes evident in the course of ex-post evaluation that the results of environmental monitoring do not comply with the requirements provided for in legislation or the development consent, the decision-maker will amend the conditions of the development consent on the basis of a proposal of the supervisor of environmental impact assessment.

§ 26. Specifications for environmental impact assessment related to preparation of building design documentation

(1) In addition to the provisions of § 3 of this Act, the environmental impact of the proposed activity may be assessed in the course of preparation of building design documentation in accordance with the procedure provided for in this Act, taking account of the specifications arising from this section.

(2) For the purposes of this Act, the decision-maker is the issuer of development consent upon application for which building design documentation specified in subsection (1) of this section must, inter alia, be submitted.

(3) The developer will notify the decision-maker of the intention to assess environmental impact of the proposed activities in the course of preparation of building design documentation, after which the decision-maker will initiate the environmental impact assessment of the proposed activity.

(4) An environmental impact assessment report is a separate part of building design documentation.

§ 27. Specifications for assessment of environmental impact of termination of mining of mineral resources

(1) In addition to the provisions of § 3 of this Act, environmental impact of termination of mining of mineral resources may be assessed in the course of preparation of the project to terminate the mining of mineral resources in accordance with the procedure provided for in this Act, taking account of the specifications arising from this section.

(2) For the purposes of this section, the developer is the holder of an extraction permit for mineral resources.

(3) For the purposes of this section, the decision-maker is the issuer of an extraction permit for mineral resources.

(4) The developer will notify the decision-maker of the intention to terminate mining of mineral resources after which the decision-maker will make a decision to initiate or refuse to initiate environmental impact assessment of proposed activities in accordance with the procedure provided for in § 11 of this Act.

(5) An environmental impact assessment report is a separate part of a project to terminate the mining of mineral resources.

(6) The supervisor of environmental impact assessment will notify the developer and decision-maker of a decision to approve or refuse to approve the environmental impact assessment report by sending an unregistered letter or a registered letter within 30 days after receipt of the report and send one original copy of the report to the decision-maker.

(7) The decision-maker will determine the environmental requirements to prevent or minimise negative environmental impact involved in terminating the mining of mineral resources.

§ 28. Specifications for assessment of environmental impact of closure of landfill

(1) In addition to the provisions of subsection (3) of this section, the environmental impact of the closure of a landfill may be assessed in the course of preparation of the project to close the landfill in accordance with the procedure provided for in this Act, taking account of the specifications arising from this section.

(2) For the purposes of this section, the developer is the operator of a landfill to be closed.

(3) For the purposes of this section, the decision-maker is the Environmental Board.
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) The developer will forward an application for the closure of a landfill to the decision-maker on the basis of which the decision-maker will decide to initiate or refuse to initiate the environmental impact assessment of the closure of the landfill in accordance with the procedure provided for in § 11 of this Act.

(5) Upon preparation of a project to close a landfill, the results of environmental impact assessment and the environmental requirements determined must be taken into account.

§ 29. Specifications for environmental impact assessment of activities affecting Natura 2000 site

(1) If the proposed activity is likely to significantly affect a Natura 2000 site:

- 1) the purpose of protection of the site must be particularly taken account of upon environmental impact assessment;
- 2) the supervisor of environmental impact assessment will send the environmental impact assessment report and the draft decision to approve the report and determine environmental requirements to the manager of the specified protected natural object for approval.

(2) Development consent may be granted if permitted by the protection procedure of Natura 2000 sites and the decision-maker is convinced that the proposed activity does not have a negative impact on the integrity of the Natura 2000 site or on the purpose of protection thereof.

(3) If, regardless of the potential significant negative impact of the proposed activities on a Natura 2000 site, the activity is still necessary for the public for vital and especially urgent reasons, including social or economic reasons, and because of the lack of alternative solutions, development consent may be granted with the consent of the Government of the Republic. If development consent is granted, an obligation to take compensatory measures must be imposed. The Ministry of the Environment will inform the European Commission of the taken compensatory measures immediately after the development consent has been granted. The activities specified in the development consent must not be commenced before the taking of compensatory measures.

[RT I 2008, 34, 209 – entry into force 01.08.2008]

(4) If the proposed activity potentially impacts a priority natural habitat type or priority species present within a Natura 2000 site within the meaning of Council Directive 92/43/EEC (OJ L 206, 22.07.1992, pp. 7–50) on the conservation of natural habitats and of wild fauna and flora, the Government of the Republic may grant development consent only if the proposed activity is related to human health, environmental safety or a significant positive impact on the state of the environment. In the event of other public priority reasons, development consent may be issued only after obtaining the opinion of the European Commission.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

§ 30. Specifications for environmental impact assessment in transboundary context

(1) The Republic of Estonia will participate in environmental impact assessment in transboundary context originating in the territory of another state and environmental impact assessment in transboundary context originating in the territory of the Republic of Estonia will be organised in accordance with the procedure provided for in international agreements, Convention on Environmental Impact Assessment in Transboundary Context (RT II 2000, 28, 169) and this Act, taking account of the specifications arising from this section.

(2) If the proposed activity potentially results in significant environmental impact which may be transboundary and the decision-maker initiates environmental impact assessment, the decision-maker must immediately notify the Ministry of the Environment thereof.

(3) If the potentially significant environmental impact of a proposed activity is likely to be transboundary or if the affected state so requests, the Ministry of the Environment will give the affected state, as soon as possible, but no later than when the decision-maker gives a notice of the initiation of the environmental impact assessment in Estonia, a notice concerning the initiation of environmental impact assessment together with the description of the proposed activity and information concerning the transboundary impact potentially accompanying the proposed activity. The affected state will be given at least 30 days as of the date of receipt of the notice concerning the initiation of environmental impact assessment to respond to the notice.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) If, after the receipt of the notice specified in subsection (3) of this section, the affected state notifies of its wish to participate in the environmental impact assessment, the affected state will be sent the following materials, unless such materials were sent before:

- 1) an application for development consent;
- 2) data concerning the decision-maker and the supervisor of environmental impact assessment, specifying the person who may be addressed with questions and comments;
- 3) information concerning the assessment of the environmental impact of the proposed activity and the processing of the application for development consent.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4¹) Subsections (5) to (8) of this section do not apply upon assessment of environmental impact if the affected state fails to respond to the notice concerning the initiation of the environmental impact assessment during the term specified in subsection (3) of this section, or does not wish to participate in the procedure for assessing the environmental impact.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(5) If the affected state so requests, the Ministry of the Environment will forward the draft environmental impact assessment programme and report to the affected state as soon as possible but not later than when the public display of the programme or report commences in the Republic of Estonia. The notice on making the programme or report public must contain at least the information specified in subsection 16 (4) of this Act.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(6) At the request of the affected state, its representative is permitted to participate in environmental impact assessment proceedings and consultations will be commenced concerning environmental impact resulting from proposed activities and the measures for the mitigation or prevention of such impact.

(7) The Ministry of the Environment and the affected state will agree on:

- 1) the procedure and actual schedule of the consultations;
- 2) provision of information to the public and agencies of the affected state and allowing them sufficient time for the submission of opinions on the environmental impact assessment programme and report;
- 3) the time when the proposals, objections and questions received in the course of the environmental impact assessment will be submitted to the affected state for obtaining an opinion;
- 4) the drafts of the decisions which must be submitted to the affected state for obtaining an opinion.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(7¹) If the Ministry of the Environment and the affected state agree that also the drafts for the decisions to grant or refuse to grant development consent and the draft of the development consent must be submitted to the affected state for obtaining an opinion, the decision-maker will send the drafts of such documents after preparation thereof to the Ministry of the Environment who will forward them to the affected state for obtaining an opinion. The affected state will be given at least 30 days to express an opinion. In making the decision, the decision-maker must consider the opinion of the affected state.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(8) The decision-maker must promptly inform the Ministry of the Environment of granting or refusing to grant development consent necessary for the activities with transboundary environmental impact. The Ministry of the Environment will notify the state which participated in environmental impact assessment in a transboundary context of granting or refusing to grant development consent necessary for the activities with significant transboundary environmental impact and will forward the decision to grant or refuse to grant the development consent to the state.

(9) The Ministry of the Environment will notify the state in which the transboundary environmental impact originates of its intention to participate in environmental impact assessment in a transboundary context and of the need for consultations within 30 days after the receipt of the notice. The Ministry of the Environment will give a notice of the publication of the documents on environmental impact assessment through the publications specified in subsection 16 (2) of this Act and by sending an unregistered letter or a registered letter to persons whose rights the proposed activity may concern in the Republic of Estonia. The Ministry of the Environment will send the proposals and objections submitted regarding the documents on environmental impact assessment to the state in which the transboundary environmental impact originates.

Division 2

Strategic Environmental Assessment of Strategic Planning Document

§ 31. Strategic planning document

For the purposes of this Act, 'strategic planning document' means:

- 1) a national, county, comprehensive or detailed plan for the purposes of the Planning Act;
- 2) a sectoral development plan for the purposes of the State Budget Act, except for a plan, programme and strategy specified in clause 1 (3) 2) of this Act;

[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

- 3) a plan, programme or strategy the obligation of drawing up of which arises from a law or another legislative act issued on the basis of an authority-delegating provision contained in a law and which is drawn up or established by an administrative authority or drawn up by an administrative authority and adopted by the *Riigikogu*, the Government of the Republic or another administrative authority.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

§ 32. Strategic environmental assessment

For the purposes of this Act, 'strategic environmental assessment' means:

- 1) establishment of the need to initiate the strategic environmental assessment and, if necessary, initiation of the assessment upon initiation of the preparation of a strategic planning document;
- 2) upon establishment of the need to carry out the strategic environmental assessment, asking an opinion from authorities and persons specified in subsection 33 (6) of this Act, publication of the decision to initiate or decision and reasons for not requiring a strategic environmental assessment;
[RT I, 16.11.2010, 1 – entry into force 26.11.2010]
- 3) preparation of the strategic environmental assessment programme and asking an opinion on the content of the programme from authorities and persons specified in subsection 36 (3) of this Act;
- 4) carrying out the strategic environmental assessment, the prognosis and assessment of the impact, identifying, describing, assessing and comparing alternative options, and preparation of a strategic environmental assessment report;
- 5) publication of draft strategic planning document and strategic environmental assessment programme and report;
- 6) taking account of the results of strategic environmental assessment and its publication upon preparation of the strategic planning document;
- 7) publication of the decision to adopt the strategic planning document.

§ 33. Mandatoriness of strategic environmental assessment

(1) Strategic environmental assessment is organised in the course of preparing a strategic planning document if the document:

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

- 1) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and on the basis thereof an activity specified in subsection 6 (1) of this Act is proposed or the proposed activity is likely to have a significant environmental impact, on the basis of the provisions of subsections 6 (2) to (4) of this Act;
- 2) is a national, county or comprehensive plan;
- 3) is a detailed plan on the basis of which an activity specified in subsection 6 (1) of this Act is proposed or the proposed activity is likely to have a significant environmental impact, on the basis of the provisions of subsections 6 (2) to (4) of this Act;
- 4) is the basis for an activity which is likely to significantly affect a Natura 2000 site.

(2) In addition to the provisions of subsection (1), the environmental impact resulting from implementation of a strategic planning document must be assessed, where necessary, also if:

- 1) amendments are made to the strategic planning document specified in subsection (1) of this section;
- 2) an activity for which development consent is required is proposed in the strategic planning document not specified in subsection (1) of this section.

(3) The need to carry out the strategic environmental impact assessment of a strategic planning document specified in subsection (2) of this section is decided on the basis of:

- 1) the characteristics and content of the strategic planning document;
- 2) the environmental impact resulting from the implementation of the strategic planning document and the likely affected area;
- 3) the opinion of the authority specified in subsection (6) of this section.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(4) In the event specified in clause 1) of subsection (3) of this section, the characteristics and content of a strategic planning document must be taken into account on the basis of the following criteria:

- 1) the degree to which the strategic planning document sets a framework for the proposed activities, either with regard to the location, nature and operating conditions or by allocating resources;
- 2) the degree to which the strategic planning document influences other strategic planning documents, taking account of the hierarchy of establishing these;
- 3) the relevance of the strategic planning document for the integration of environmental considerations into other sectors;
- 4) environmental problems relevant to the implementation of the strategic planning document;
- 5) the relevance of the strategic planning document, including a strategic planning document relating to waste management and water protection, for the implementation of EU legislation on the environment.

(5) In the case specified in clause 1) of subsection (3) of this section, the environmental impact resulting from the implementation of a strategic planning document and the area likely to be affected will be taken into account on the basis of the following criteria:

- 1) the probability, duration, frequency and reversibility of the impact, including cumulative and transboundary nature of the impact;
- 2) the risks to human health or the environment, including the probability of accidents;
- 3) the magnitude and spatial extent of the impact, including the geographical area and size of the population likely to be affected;
- 4) the value and vulnerability of the area likely to be affected due to special natural characteristics, cultural heritage and intensive land-use;
- 5) the impact on areas or landscapes which have a protection status.

(6) Upon deciding on the need for the strategic assessment of the environmental impact arising from the implementation of a strategic planning document specified in subsection (2) of this section, the Environmental

Board and all other authorities concerned by the potential environmental impact arising from the implementation of the strategic planning document must be asked for an opinion before making a decision. Depending on the nature of the strategic planning document, the authorities specified in the previous sentence include, among others, the Ministry of Defence, the Ministry of the Environment, the Ministry of Culture, the Ministry of Economic Affairs and Communications, the Ministry of Agriculture, the Ministry of the Interior, the Ministry of Social Affairs and governmental authorities in their area of government, the county government, the local authority body, and other relevant authorities and agencies.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

§ 34. Right to carry out strategic environmental assessment

(1) The authority responsible for the preparation of a strategic planning document will initiate and be responsible for carrying out the strategic environmental assessment, and cover the expenses related thereto.

(2) The public display of and public consultation regarding a strategic environmental assessment programme and report will be organised and the report will be submitted for approval by the person who prepared the strategic planning document.

(3) The environmental impact may be assessed or the assessment may be directed by an expert who:

- 1) has acquired officially recognised higher education or foreign qualifications equal thereto in the sector the environmental impact of which the expert wishes to assess;
- 2) has at least two years of professional experience in the sector whose environmental impact the expert wishes to assess;
- 3) has undergone training in strategic planning to the extent of at least 40 hours and has passed the examination;
- 4) knows the principles of and procedure for strategic environmental assessment and the legislation concerning the assessment.

(4) The expert will prepare the strategic environmental assessment programme and report in cooperation with the person preparing the strategic planning document.

(5) The person who prepares the strategic planning document may perform the functions of an expert if the person complies with the qualification requirements for experts.

§ 35. Initiation of and not requiring strategic environmental assessment

(1) The authority responsible for the preparation of a strategic planning document will initiate a strategic environmental assessment at the same time with the initiation of the preparation of the strategic planning document.

(2) A strategic environmental assessment will be initiated without providing justification therefor upon initiation of the preparation of a strategic planning document specified in subsection 33 (1) of this Act.

(3) If a strategic environmental assessment is initiated upon initiation of the preparation of a strategic planning document specified in subsection 33 (2) of this Act, a statement of the relevant reasons will be appended to the decision to initiate.

(4) [Repealed – RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(5) A decision to initiate or not require a strategic environmental assessment must set out at least:

- 1) the name and purpose of the strategic planning document;
- 2) the name and contact details of the person who initiated the preparation of, the person responsible for the preparation of, the person who prepares and the person who adopts the strategic planning document;
- 3) the date and number of the decision to initiate the preparation of the strategic planning document and the decision to initiate or not require the strategic environmental assessment;
- 4) the opinion of an authority specified in subsection 33 (6) of this Act on the need to initiate the strategic environmental assessment;

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

5) the reasons for initiation of or not requiring the strategic environmental assessment;

6) the date and place for accessing the decision to initiate the preparation of the strategic planning document and the decision to initiate or not require the strategic environmental assessment.

(6) A decision to initiate or not require the strategic environmental assessment will be given notice of in the official publication *Ametlikud Teadaanded* and in at least one national newspaper or one local newspaper and by sending an unregistered letter or a registered letter to an authority specified in subsection 33 (6) of this section within 14 days after making the decision.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(7) A notice of initiation of or not requiring the strategic environmental assessment must set out at least the information specified in subsection (5) of this section.

§ 36. Strategic environmental assessment programme

(1) After a strategic environmental assessment is initiated, an expert on strategic environmental assessment will, in cooperation with the person preparing a strategic planning document, prepare a strategic environmental assessment programme.

(2) A strategic environmental assessment programme must:

- 1) determine the extent of the strategic environmental assessment on the basis of the characteristics and content of the strategic planning document;
- 2) explain and specify environmental impact, including impact on human health, the likely transboundary environmental impact and the likely impact on Natura 2000 sites;
- 3) specify the persons and authorities which may be affected or which may have a reasoned interest in the strategic planning document;
- 4) contain a schedule of the strategic environmental assessment and a schedule for the publication of the results of the assessment, arising from the schedule for preparation of the strategic planning document;
- 5) include information on the expert who prepared the programme and the person who prepares the strategic planning document;
- 6) describe the opinions submitted by authorities and persons specified in subsection (3) of this section.

(3) Upon preparing a strategic environmental assessment programme, the person who organises the preparation of a strategic planning document or the person who prepares a strategic planning document must ask for an opinion on the contents of the programme from an authority specified in subsection 33 (6) of this Act, sending the draft strategic environmental assessment programme to the authority so that the latter can express its opinion.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

§ 37. Publication of strategic environmental assessment programme

(1) The person who prepares a strategic planning document will give notice of the public display of and public consultations regarding the strategic environmental assessment programme in the official publication *Ametlikud Teadaanded*, in a newspaper and on its webpage and electronically or by sending an unregistered letter or a registered letter to the authorities and persons specified in clause 36 (2) 3) of this Act, the organisation uniting non-governmental environmental organisations and agencies and persons specified in subsection 36 (3) of this Act.

(2) A notice regarding the publication of a strategic environmental assessment programme must set out at least the following:

- 1) the name and purpose of the strategic planning document;
- 2) information on the person who initiates the preparation of, the person who organises the preparation of, the person who prepares and the person who adopts the strategic planning document;
- 3) the time and manner of accessing the terms of references or draft strategic planning document;
- 4) the time and place for accessing the strategic environmental assessment programme;
- 5) the term and manner for the submission of proposals, objections and questions regarding the strategic environmental assessment programme;
- 6) the time and place for the public consultation regarding the strategic environmental assessment programme;
- 7) the prognosis as to whether transboundary environmental impact could exist.

(3) The public display of a strategic environmental assessment programme and the public consultation regarding the programme thereafter will be organised by the person who prepared the strategic planning document. The programme will be displayed publicly for not less than 14 days.

(4) Everyone has the right to access a strategic environmental assessment programme and other documents on the environmental impact resulting from the implementation of the strategic planning document at the time of the public display of and the public consultation regarding the programme, to submit proposals, objections and questions regarding the programme and obtain responses thereto.

(5) A person who prepared a strategic planning document will, in cooperation with the expert, make the necessary amendments to the strategic environmental assessment programme on the basis of the proposals and objections submitted at the time of the public display and the public consultation. Taking account of the proposals and objections will be described and refusal to take account of the proposals and objections will be reasoned in the amended programme or an annex thereto. Written questions will be responded to by sending an unregistered letter or a registered letter.

§ 38. Supervisor of strategic environmental assessment

(1) If the potential environmental impact arising from the implementation of a strategic planning document may be transboundary, the Ministry of the Environment will exercise supervision over the strategic assessment of the environmental impact arising from the implementation of the strategic planning document and, in other events, the Environmental Board will exercise supervision.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(2) The functions of the supervisor of strategic environmental assessment are:

- 1) verification of the compliance of the strategic environmental assessment programme with the requirements of legislation and approval of the programme;
- 2) verification of the compliance of strategic environmental assessment procedures with the requirements of legislation;
- 3) verification of the compliance of the strategic environmental assessment report with the programme and the requirements of legislation;
- 4) approval of the strategic environmental assessment report and approval of the monitoring measures;
- 5) verification of compliance of an expert with the requirements provided for in subsection 34 (3) of this Act.

§ 39. Approval of and refusal to approve strategic environmental assessment programme

(1) A person who prepared a strategic planning document will, after the public consultations regarding the strategic environmental assessment programme, submit the programme together with proposals, objections and questions submitted regarding the programme, explanations for taking account of the proposals, objections and questions, reasons for refusal to take account of the proposals, objections and questions and the minutes of the public consultation regarding the programme to the supervisor of strategic environmental assessment for approval.

(2) The supervisor of strategic environmental assessment will decide to approve or refuse to approve a strategic environmental assessment programme and will inform the person who prepared the strategic planning document of the decision by sending an unregistered letter or a registered letter within 14 days after receipt of the documents specified in subsection (1) of this section.

(3) The supervisor of strategic environmental assessment will refuse to approve a strategic environmental assessment programme if:

- 1) the programme does not comply with the requirements provided for in subsection 36 (2) of this Act;
- 2) the person who prepared the strategic planning document has not submitted the documents specified in subsection (1) of this section;
- 3) the person who prepared the strategic planning document has not state the reasons for refusal to take account of proposals and objections submitted regarding the programme;
- 4) the programme has been prepared by an expert who does not comply with the requirements provided for in subsection 34 (3) of this Act.

§ 40. Strategic environmental assessment report

(1) A strategic environmental assessment report is part of a strategic planning document, which contains information specified in subsections (2)-(4) of this section.

(2) Upon strategic environmental assessment, it is required to explain, describe and assess the significant environmental impact resulting from implementation of the strategic planning document and the main alternative measures, activities and tasks, having regard to the objectives and territory of the strategic planning document.

(3) Upon preparation of a strategic environmental assessment report, the following must be taken into account:

- 1) current knowledge and recognised methods of assessment;
- 2) the content and level of establishment of the strategic planning document;
- 3) the extent to which certain matters are more appropriately assessed at different levels of strategic planning in order to avoid duplication of the assessment.

(4) A strategic environmental assessment report must set out the following:

- 1) an outline of the contents and the main purposes of the strategic planning document;
- 2) the relationship of the strategic planning document with other relevant strategic planning documents;
- 3) a description of the potentially affected environment during preparation of the strategic planning document and in the case of alternative development scenarios, including the comparison of alternatives and the probable development if the strategic planning document is not implemented;
- 4) environmental problems resulting from implementation of the strategic planning document, particularly those relating to protected areas, individual protected natural objects and protected species;
- 5) the environmental protection objectives, established at international, European Union or Member State level, which are relevant to the strategic planning document and a description of the way those objectives and any environmental considerations have been taken into account during preparation of the strategic planning document;
- 6) an assessment of the potential significant direct, indirect, cumulative, synergistic, short and long-term, positive and negative environmental impact, including impact on human health and social needs and property, biological diversity, populations, flora, fauna, soil, water and air quality, climate change, cultural heritage and

the landscape, an assessment of the possibilities of waste generation and a description of the methods for impact prognosis;

- 7) the interconnection between different impacts and the transboundary environmental impact;
- 8) the measures proposed for the prevention and mitigation of significant environmental impact resulting from implementation of the strategic planning document;
- 9) an outline of the reasons for selecting the alternative development scenarios dealt with;
- 10) an overview of how the best alternative development scenario was achieved;
- 11) an overview of carrying out the strategic environmental assessment, the results of public involvement and transboundary consultations;
- 12) an overview of the difficulties which became evident upon preparation of the strategic environmental assessment report;
- 13) a description of the measures proposed for the monitoring of significant environmental impact resulting from the implementation of the strategic planning document and of the measurable indicators;
- 14) a summary of information specified in clauses 1) to 13) of this subsection;
- 15) the strategic environmental assessment programme and the minutes of the public consultation regarding the programme;
- 16) the minutes of the public consultation regarding the strategic environmental assessment report;
- 17) the proposals, objections and questions of authorities and persons, and an overview of the reasons for taking account of or refusal to take account of the proposals, objections and questions.

§ 41. Publication of strategic environmental assessment report

A strategic environmental assessment report is published in accordance with the procedure set out in § 37 of this Act, taking account of the following specifications:

- 1) the notice of the publication of the strategic environmental assessment report must contain the time and manner of examining the draft strategic planning document;
- 2) the public display of the strategic environmental assessment report must last as long as the public display of the draft strategic planning document, but not less than 21 days;
- 3) the public display of the strategic environmental assessment of a detailed plan specified in subsection 19 (1) of the Planning Act must last for at least 14 days.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

§ 42. Approval of strategic environmental assessment report and taking of monitoring measures and refusal to approve report

(1) A person who prepares a strategic planning document will, after the public consultation regarding the strategic environmental assessment report, submit the report together with proposals and objections submitted regarding the report, explanations for taking account of the proposals and objections, reasons for refusal to take account of the proposals or objections and the minutes of the public consultation regarding the report to supervisor of the strategic environmental assessment for approval.

(2) The supervisor of strategic environmental assessment will decide to approve the strategic environmental assessment programme and take the monitoring measures of environmental impact resulting from implementation of the strategic planning document, or refuse approval of the strategic environmental assessment report and will inform the person who prepared the strategic planning document of the decision by sending an unregistered letter or a registered letter within 30 days after receipt of the documents specified in subsection (1) of this section.

(3) The supervisor of strategic environmental assessment will refuse to approve a report if:

- 1) the report does not comply with the approved strategic environmental assessment programme;
- 2) the report does not contain information specified in subsection 40 (4) of this Act;
- 3) the person who prepared the strategic planning document has not submitted the documents specified in subsection (1) of this section;
- 4) false information has been submitted in the report;
- 5) mistakes have been made during the strategic environmental assessment which influence the objectivity of assessment results;
- 6) the person who prepared the strategic planning document has not provided sufficient reasons for refusal to take account of proposals and objections submitted regarding the report.

(4) The objective of approval of the monitoring measures is to identify at an early stage the significant negative environmental impact resulting from the implementation of a strategic planning document, and to be able to take measures for the prevention and mitigation of such impact.

(5) The approved monitoring measures are mandatory to the person implementing a strategic planning document. Upon carrying out monitoring, the existing environmental monitoring system or monitoring proposed for monitoring the environmental impact arising from the implementation of the strategic planning document may be used. Monitoring may be carried out in the course of the activities proposed on the basis of one or several strategic planning documents.

§ 43. Taking account of results of strategic environmental assessment

Upon preparation of a strategic planning document, the following must be taken account of:

- 1) the results of the strategic environmental assessment and the approved monitoring measures;
- 2) the opinions submitted by authorities and persons to the extent possible;
- 3) the results of transboundary consultations.

§ 44. Notification of adoption of strategic planning document

(1) The person responsible for the preparation of a strategic planning document will give notice of the adoption of the strategic planning document by electronic means or by sending an unregistered letter or a registered letter within 14 days after the decision on the adoption is made to:

- 1) the authorities and persons specified in subsection 33 (6) and clause 36 (2) 3) of this Act;
[RT I, 16.11.2010, 1 – entry into force 26.11.2010]
- 2) the supervisor of the strategic environmental assessment;
- 3) the affected state which participated in transboundary consultations.

(2) Upon giving notice of establishment of a strategic planning document, it must be ensured that agencies and persons specified in §§ 33 and 36 of this Act and affected states which participated in an environmental impact assessment in a transboundary context have access to the following:

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

- 1) adopted strategic planning document;
- 2) an overview of how environmental considerations have been taken into account in the strategic planning document;
- 3) an overview of how the results of the strategic environmental assessment have been taken into account in the strategic planning document;
- 4) an outline of the reasons for selecting the alternatives dealt with;
- 5) a description of the measures proposed for the monitoring of potential significant environmental impact resulting from implementation of the strategic planning document.

§ 45. Specifications for strategic environmental assessment in Natura 2000 site

(1) If the implementation of a strategic planning document may potentially significantly affect a Natura 2000 site:

- 1) the purpose of protection of the site must be particularly taken account of upon strategic environmental assessment;
- 2) the person who prepared the strategic planning document will send the strategic environmental assessment report to the manager of the specified site for approval.

(2) A strategic planning document may be established if permitted by the protection procedure of Natura 2000 sites and the person who established the strategic planning document is convinced that the proposed activities do not have a negative impact on the integrity of the Natura 2000 site or on the purpose of protection thereof.

(3) If, regardless of the potential negative impact resulting from implementation of a strategic planning document on a Natura 2000 site, the activity is still necessary for the public due to vital reasons, including social or economic reasons, and due to lack of alternative solutions, the strategic planning document may be established with the consent of the Government of the Republic. Upon establishment of a strategic planning document, an obligation to take compensatory measures must be imposed.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4) If the strategic planning document potentially impact a priority natural habitat type or priority species present in a Natura 2000 site within the meaning of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Government of the Republic may grant consent only if it is related to human health, environmental safety or a significant positive impact on the state of the environment. In the event of other public priority reasons, a strategic planning document may be established only after obtaining the opinion of the European Commission.

[RT I 2007, 25, 131 – entry into force 01.04.2007]

§ 46. Strategic environmental assessment in transboundary context resulting from implementation of strategic planning document

(1) This section applies if implementation of a strategic planning document is likely to have significant impact on the environment of another state or if applied for by a state which is likely to be significantly affected.

(2) If it becomes evident upon preparation of a strategic environmental assessment programme that implementation of a strategic planning document is likely to have significant impact on the environment of another state, the Ministry of the Environment will send a notice to the affected state as soon as possible or at least at the same time when the publication of the programme is organised in the Republic of Estonia.

(3) The notice specified in subsection (2) of this section must set out at least the following:

- 1) the name and brief description of the strategic planning document;

- 2) information on the person who prepares and adopts the strategic planning document;
- 3) a schedule for preparation of the strategic planning document and carrying out the strategic environmental assessment and a brief description of the likely environmental impact resulting from the implementation of the document;
- 4) the term for responding to the notice and submission of comments.

(4) The Ministry of the Environment will notify the state in which the transboundary environmental impact originates of its intention to participate in the strategic environmental assessment in a transboundary context and of the need for consultations within 30 days after the receipt of the notice. The Ministry of the Environment will give notice of the publication of the documents on strategic environmental assessment in a transboundary context in the manner specified in subsection 37 (1) of this Act and will send the proposals and objections submitted regarding the documents on the strategic environmental assessment in a transboundary context to the state in which the transboundary environmental impact originates.

(5) If an affected state wishes to participate in a strategic environmental assessment in a transboundary context:

- 1) the Ministry of the Environment will forward the draft strategic planning document before its adoption and the strategic environmental assessment report before the approval thereof to the affected state;
- 2) the affected state is allowed to participate in the strategic environmental assessment in a transboundary context, and consultations on the environmental impact and the measures for the mitigation and offsetting of such impact are commenced before the establishment of the strategic planning document.

(6) During consultations specified in subsection (5) of this section, the competent authorities of states will ensure that the public and authorities of the state which is likely to be significantly affected are notified and allow them sufficient time for the submission of opinions and agree on all the necessary procedures and an actual schedule for relevant consultations.

(7) The strategic assessment of transboundary environmental impact originating in the territory of the Republic of Estonia will be organised and the Republic of Estonia participates in the strategic assessment of transboundary environmental impact originating in the territory of another state in accordance with the procedure provided for in international agreements.

Chapter 3

ORGANISATION OF ENVIRONMENTAL MANAGEMENT AND AUDIT SCHEME AND AWARDING OF ECOLABELS

Division 1

Organisation of Voluntary Environmental Management and Audit Scheme

§ 47. Environmental management and audit scheme

(1) The environmental management and audit scheme has been established by Regulation No. 761/2001/EC of the European Parliament and of the Council allowing voluntary participation by organisations in a Community Eco-Management and Audit Scheme (EMAS) (OJ L 114, 24.04.2001, pp. 1–29).

(2) For the purposes of this Act, the terms “verifier” and “organisation” are used within the meaning provide for in Articles 2(q) and (s) of Regulation No. 761/2001/EC of the European parliament and of the Council.

(3) Verification means organisational assessment conducted by a verifier to ensure that the environmental policy, the environmental management system and auditing procedures comply with the requirements of Regulation No. 761/2001/EC of the European Parliament and of the Council.

(4) Approval means assessment of the environmental report by a verifier to verify whether the information and data submitted in the environmental report of the organisation are reliable, credible, correct and comply with the requirements of Regulation No. 761/2001/EC of the European Parliament and of the Council.

§ 48. Registration of organisations and competent body

(1) In accordance with the requirements of Regulation No. 761/2001/EC of the European Parliament and of the Council, the body competent to register organisations is the Ministry of the Environment having the right to delegate authority to an authority within the area of government of the Ministry of the Environment.

(2) Organisations are registered in accordance with the procedure provided for in Regulation 761/2001/EC of the European Parliament and of the Council.

(3) The list of information contained in the registration certificate of organisations and the form of the certificates will be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, based on subsection 107³ (4) of the Government of the Republic Act the words ‘Minister of the Environment’ have been replaced with the words ‘minister responsible for the field’ starting from the wording in force as of 1 July 2014.]

(4) Expenses relating to the verification of an organisation specified in subsection 47 (3) of this Act will be paid by the organisation applying for verification.

§ 49. Accreditation of environmental verifier

(1) An environmental verifier will be accredited by the Estonian Accreditation Centre on the basis of a public law contract concluded with the Republic of Estonia or by an internationally recognised accreditation institution.

(2) The requirements for the qualifications and accreditation of verifiers arise from Regulation 761/2001/EC of the European Parliament and of the Council.

(3) An assessment concerning activities which affect or may affect the impartiality of a verifier will be provided by the accreditation body on the basis of an application of verifier.

(4) The decision of the accreditation body is binding on the verifier and remains in force until the circumstances on which the decision was based change or cease to exist. If the circumstances change or cease to exist, the accreditation body will revoke its decision.

(5) Without the consent of the verifying organisation, a verifier will not disclose information obtained in the course of verification to third parties or use such information against the verifying organisation, unless otherwise provided by law.

§ 50. Promotion of environmental management and audit scheme

(1) In order to promote the environmental management and audit scheme and to organise the necessary awareness raising campaign and training, the Ministry of the Environment will prepare a strategy and an activity plan for the promotion of the environmental management and audit scheme.

(2) The strategy for the promotion of environmental management and audit scheme and an environmental audit system will be approved by the Government of the Republic.

Division 2 Ecolabel Award Scheme

§ 51. Awarding ecolabel to product

(1) The voluntary Community ecolabel (hereinafter *ecolabel*) award scheme has been established by Regulation No. 1980/2000/EC of the European Parliament and of the Council on a revised Community eco-label award scheme (OJ L 237, 21.09.2000, pp. 1–12) and by Commission Decision 2000/729/EC on a standard contract covering the terms of use of the Community Eco-label (OJ L 293, 22.11.2000, pp. 20–23).

(2) In accordance with Regulation No. 1980/2000/EC of the European Parliament and of the Council, the competent body is the Ministry of the Environment with the right to delegate authority to an authority within the area of government of the Ministry of the Environment.

(3) If necessary, the minister responsible for the field may establish a list of information to be submitted in an application for eco-label and the form of applications by each product group separately on the basis of the corresponding instructions from the European Commission.

[RT I, 29.06.2014, 109 – entry into force 01.07.2014, based on subsection 107³ (4) of the Government of the Republic Act the words ‘Minister of the Environment’ have been replaced with the words ‘minister responsible for the field’ starting from the wording in force as of 1 July 2014.]

§ 52. State fee for review of application for use of ecolabel and use of ecolabel

(1) An applicant for the ecolabel will pay a state fee in the amount provided by the State Fees Act for the review of the application for the use of the ecolabel.

(2) A person holding the right to use the ecolabel will pay a state fee in the amount specified in the State fees Act for the use of the ecolabel on its products.

(3) If a person holding the right to use an ecolabel fails to pay the state fee for the use of the ecolabel on time, the competent body will have the right to suspend the right to use the ecolabel until the state fee has been paid.

Chapter 4 LIABILITY

§ 53. Violation of requirement for environmental impact assessment and strategic environmental assessment

(1) Violation of the requirement for environmental impact assessment or strategic environmental assessment is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 54. Violation of conditions for use of Community environmental management system and environmental audit system logo and Community eco-label

(1) Violation of conditions for the use of the Community environmental management system and environmental audit system logo or the Community eco-label is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 55. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to proceedings regarding the misdemeanours provided for in §§ 53 and 54 of this Act.

(2) The Environmental Inspectorate will conduct extra-judicial proceedings in the misdemeanour cases provided for in § 53 of this Act.

(3) The Consumer Protection Board will conduct extra-judicial proceedings in the misdemeanour cases provided for in § 54 of this Act.

Chapter 5 IMPLEMENTING PROVISIONS

§ 56. Implementation of Act

(1) Environmental impact assessment of proposed activities initiated in accordance with the Environmental Impact Assessment and Environmental Auditing Act, which was effective until the entry into force of this Act, will be completed in accordance with the Environmental Impact Assessment and Environmental Auditing Act.

(2) The licences for environmental impact assessment and environmental auditor's certificates issued in accordance with the Environmental Impact Assessment and Environmental Auditing Act remain in force until the date of expiry indicated therein or until revocation thereof.

(3) Licence holders who have not submitted to the Ministry of the Environment an application for the determination of the fields of activity and areas of impact the environmental impact of which the applicant has the right to assess must submit the corresponding application in a free form by 30 November 2008.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

(4) This Act applies to the preparation of a strategic planning document which is initiated after the entry into force of this Act.

(5) This Act applies to the preparation of a strategic planning document which is initiated before the entry into force of this Act if the strategic planning document is adopted after 21 July 2006.

(6) Strategic environmental assessment initiated in accordance with the Environmental Impact Assessment and Environmental Auditing Act in force until the entry into force of his Act will be completed in accordance with the Environmental Impact Assessment and Environmental Auditing Act.

(7) If an expert has failed to submit an application by the date specified in subsection (3) of this section, the Minister of the Environment will revoke the licence of the expert.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

§ 57.–§ 70.[Omitted from this text.]

§ 71. Entry into force of Act

- (1) Subsection 15 (14) of this Act will enter into force on 1 June 2005.
- (2) Subsections 6 (4) and 22 (4) of this Act will enter into force on 1 July 2005.
- (3) Subsection 12 (2) of this Act will enter into force on 1 September 2005.

¹ Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ L 175, 05.07.1985, pp. 40–48); Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.07.2001, pp. 30–37); Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.06.2003, pp. 17–25); Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ L 073, 14.03.1997, pp. 5–15); Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.07.1992, pp. 102–145), last amended by Directive 2006/105/EC (OJ L 363, 20.12.2006, pp. 368–408); Directive 2009/31/EC on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, pp. 114–135). [RT I, 21.12.2011, 1 - entry into force 31.12.2011]